

COASTAL CONSERVANCY

Staff Recommendation
December 8, 2005

Ventura County Western Snowy Plover and California Least Tern Recovery and Access Management Program

File No. 04-059
Project Manager: Kara Kemmler

RECOMMENDED ACTION: Authorization to disburse up to \$150,000 to the United States Fish and Wildlife Service to conduct a recovery and access management program for the Western Snowy Plover and California Least Tern on publicly owned beaches in Ventura County.

LOCATION: Publicly owned beaches in Ventura County: City of Oxnard (McGrath, Mandalay and Ormond Beaches), City of Ventura (San Buenaventura Beach and Surfer's Knoll), and unincorporated Ventura County (Hollywood Beach).

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: Regional Map
 - Exhibit 2: Program Beaches Location Map
 - Exhibit 3: Photos of Bird Species
 - Exhibit 4: Letters of Support
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the United States Fish and Wildlife Service (FWS) to conduct a recovery and access management program for the Western Snowy Plover and California Least Tern on publicly owned beaches in Ventura County, subject to the condition that, prior to the disbursement of any funds, the FWS shall submit for the review and written approval of the Conservancy's Executive Officer a work program, including scope of work, budget and schedule, and the names of any contractors it intends to use to conduct the project.”

Staff further recommends that the Conservancy adopt the following findings:

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“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of the Public Resources Code (§§ 31400, *et seq.*) regarding public access and will serve access needs beyond those of the local community.
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”
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PROJECT SUMMARY:

In order to maintain year-round recreational use of public beaches along the Ventura County coast and provide protection to snowy plover and least tern nest sites, staff is recommending that the Conservancy provide a grant of up to \$150,000 to the United States Fish and Wildlife Service to conduct an recovery and access management program for the Western Snowy Plover and California Least Tern on publicly owned beaches in Ventura County. The recovery and access management program will provide monitoring, education, and management coordination as described below. Snowy plovers and least terns forage and nest for significant periods of the year in coastal areas, and one of the major causes of decline in Ventura County is the abandonment of nesting sites as a result of prolonged human disturbance from recreational use of beaches. Presently, the California Department of Parks and Recreation and the California Department of Fish and Game conduct monitoring of plovers and terns with uncertain funding year-to-year. Other public beach owners do not have sufficient staff with expertise to monitor the nesting birds. Furthermore, volunteers who currently guard nesting areas lack sufficient time and expertise to adequately protect the birds. Since public beach managers and resource agencies have limited resources, a potential recourse may be to limit public access to public beaches during nesting seasons.

Fortunately, human disturbance to snowy plovers and least terns can be greatly reduced or eliminated through education and management of beach visitors, as demonstrated by the success of the Coal Oil Point Reserve (COPR) Plover Docent Recovery Program in Santa Barbara (see “Project History”). The proposed program builds on lessons from the Snowy Plover Docent Program developed by the Santa Barbara Audubon Society and Coal Oil Point Reserve and would be adapted to Ventura County to protect snowy plovers and least terns over a broader geographic area for multiple, public beach owners. Opportunities will be sought among resource agencies and public owners of important plover and tern habitat to pool expertise, equipment, and funds to create a program that provides consistent monitoring and management of plovers and terns and their key habitats on all public beaches.

If approved by the Conservancy, a Project Coordinator, guided by a steering committee of knowledgeable resource agency staff and public beach owners, would undertake the following tasks over a three-year period:

1. Monitoring: The program would ensure monitoring occurs across the program area, follows a common protocol, is submitted to regional repositories, and informs protective measures. The monitoring program would entail annual surveys of wintering and

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breeding activity as well as weekly monitoring of nests. Data evaluation will highlight the potential for increased wintering protection for plovers and increased nesting success for both plovers and terns within the project area. The Coordinator would recruit and train volunteers or hire seasonal interns to supplement monitoring conducted by resource agencies and beach owners such as the California Department of Fish and Game and State Parks.

2. Docent Program: The cornerstone of the overall program is to create a community-based docent program to educate beach visitors and encourage their voluntary compliance with plover and tern protective measures during both the breeding and wintering seasons. Through outreach efforts, the Project Coordinator will recruit volunteer docents and train them to explain the dynamics of the beach and estuary habitats and the importance of respecting protective measures such as colony fencing, signs, or leash laws. Docents will have a spotting scope or binoculars available to help people identify the plovers and terns and teach beach-goers about tern and plover biology and natural history. Docents will also be instrumental in ensuring that crows and gulls, common predators of plover eggs and nestlings, are harmlessly kept from nests. The Project Coordinator will develop a docent manual and be responsible for scheduling docents to provide coverage at nesting and priority wintering areas at key times of the day.
3. Management Coordination: Coordination meetings will be organized on a Ventura County-wide level.
 - Quarterly meetings with the key resource agencies, public beach owners, and interested individuals and community groups will facilitate coordinated solutions to issues. Anticipated work to be addressed includes:
 - Infrastructure: Annual installation of temporary fencing. Design and installation of signage.
 - Enforcement Coordination: Training enforcement agencies to minimize impacts during beach patrols and developing a protocol for responding to docent and staff requests for backup.
 - Beach management: Address beach grooming schedules, unauthorized ORVs, vandalism, litter, and other issues that may arise.
 - Building partnerships: Conduct annual end-of-season summary meetings to encourage and enhance local efforts to ultimately build local constituencies and a basis for long-term funding.
4. Public Education: Develop and coordinate community education efforts to raise environmental awareness, but also serve as a tool to recruit volunteer docents on an on-going basis. Activities include, but are not limited to:
 - conducting field trips and presentations to interested community groups,
 - using news articles, and radio and television Public Service Announcements,
 - using display tables at community events,
 - promoting internships for local college students, and
 - Involving the Oxnard City Corps and similar youth conservation groups.

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The Project Coordinator would be contracted through the Ventura Fish and Wildlife Office. The VFWO would provide contractor oversight and provide the Project Coordinator access to a computer, Internet, printer, copy and fax machine, and possible office space.

Site Description: The coordinated recovery and access management program would target snowy plover and least tern habitats along mainland Ventura County between the Ventura River mouth and Point Mugu. This 22-mile stretch of shoreline encompasses most if not all of the existing and potential breeding and foraging habitat for these species in Ventura County. As further evidence of the importance of this area to species recovery, this stretch corresponds to designated critical habitat for the western snowy plover. The species recovery and access management coordination efforts would focus on the publicly accessible areas because these are the sites that are most heavily impacted by human disturbance and therefore offer the greatest opportunity to affect species recovery. The public beaches and agency owners in this portion of the coast include:

- San Buenaventura Beach (*California Department of Parks and Recreation*)
- Surfer's Knoll (*State Lands Commission*)
- McGrath Beach (*California Department of Parks and Recreation*)
- Mandalay Beach (*County of Ventura (owner) and CDPR as manager*)
- Hollywood Beach (*Ventura County Harbor Dept*)
- Ormond Beach (*City of Oxnard, California State Coastal Conservancy*)

Project History: Human disturbance to snowy plovers and least terns can be greatly reduced or eliminated through education and management of beach visitors, as demonstrated by the success of the Coal Oil Point Reserve (COPR) Plover Docent Recovery Program in Santa Barbara. Beachside education to the public provided by docents and the use of symbolic fencing around core habitat areas has led to a 90% reduction in disturbance rates to the plovers, while still allowing beach recreation. Because no plovers had nested at COPR in 30 years, the program was initially intended to protect just the wintering flock so that when breeding season arrived, the plovers would return to their nesting destination in better weight condition (as a result of expending less energy to avoid humans and unleashed dogs at their roost site). Unexpectedly, in 2001, a pair of plovers remained to breed at COPR for the first time in 30 years. The docent program expanded and in 2002, 14 chicks fledged, and in 2003, 39 plovers successfully fledged from COPR. This year, the number of nests exceeds those found the same time last year. The two main messages of the COPR experience are:

- Historic breeding areas can be recovered with voluntary management measures, and
- Endangered species may recover along side compatible human uses of their habitat.

Presently, a staff person from California Department of Parks and Recreation and another from California Department of Fish and Game, who are assisted by knowledgeable residents and occasional contractors, conduct monitoring of plovers and terns with uncertain funding year-to-year. Other public beach owners do not have staff with the specific expertise to monitor the nesting birds. Furthermore, residents and volunteer groups guard nesting areas with varying frequency and skill. With ever-increasing development pressure, more people inhabit areas near beaches with sensitive nesting areas, such as the impending 300-home planned residential

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community soon to be developed one block from Mandalay Beach. A formal, comprehensive management program in Ventura County to protect sensitive bird species and provide for maximum access is critical to the balance between access and resource protection.

PROJECT FINANCING:

Coastal Conservancy	\$150,000
McGrath Trustee Council	<u>\$ 83,000</u>
Total 3-Year Project Cost	\$233,000

The anticipated source of funding is the Coastal Access Account of the State Coastal Conservancy Fund available for grants to public agencies for the maintenance and operation of existing facilities that provide public access to the shoreline. The proposed grant would be sufficient to operate the program up to 2 years. Other funding sources are being sought to fund the balance of the project for a full 3-year period. For example, McGrath Trustee Council is considering funding a proportionate share of the project on behalf of State Parks as one of the owners of the subject beaches. The McGrath State Beach Area Trustee Council was formed as part of a court settlement following a 1993 oil spill, and its mandate is to plan and implement projects to restore or replace the natural resources, or resource services, injured by the spill. The Trustee Council is composed of representatives of California State Parks, California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of the Public Resources Code (§31400-31409) regarding public access. Consistent with Section 31400, the Conservancy will assist in the development of a recovery and access management program to provide an additional management component to public access along these beaches, which serves to enhance public access and public enjoyment of coastal resources while minimizing impacts to the resources on public beach areas.

Section 31400.1 states that the Conservancy may award grants to public agencies to “operate, or manage lands for public access purposes to and along the coast” if the accessway serves more than local public needs. The proposed project would serve greater than local interests by managing federally threatened and endangered migratory birds while ensuring continued public access and recreation for millions of local and regional visitors to the beach.

Consistent with § 31400.2, the amount of funding provided by the Conservancy has been determined by the total amount of available for coastal public accessway projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. The proposed project is consistent with the relevant local coastal programs as described in the Consistency with Local Coastal Program Policies below

Consistent with Section 31400.3, the proposed project serves to aid public agencies in implementing related functions necessary to manage public beach access. The recommended funds would enable the USFWS, in partnership with the Conservancy, California State Parks and

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California Department of Fish and Game, and other public beach owners and managers to compatibly manage public recreation on beaches and recovery of plover and tern.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The proposed project is consistent with **Goal 2, Objective D** by providing increased opportunities for environmental education to beach visitors.

Consistent with **Goal 5, Objective A**, the recovery and access management program will enhance populations of sensitive coastal species by partnering with resource agencies, public beach owners, and interested individuals and community groups and promoting public outreach and education. The cornerstone of the overall program is to create a community-based docent program to educate beach visitors and encourage their voluntary compliance with plover and tern protective measures.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The proposed project grew out of separate proposals by California Dept. of Parks and Recreation and Ventura Audubon. A steering committee comprised of staff from the Coastal Conservancy, United States Fish and Wildlife Service, California Dept. of Fish and Game, and California Dept. of Parks and Recreation combined and further developed the proposals. Members of the public look forward to participating in the project as volunteer docents. See Exhibit 4 for project support letters.
4. **Location:** The proposed project would be located within the coastal zone of the Cities of Oxnard and Ventura and Ventura County. See the "Site Description" section above.
5. **Need:** With ever-increasing development pressure, increased populations inhabit areas near beaches with sensitive nesting areas, such as the impending 300-home planned residential community soon to be developed one block from Mandalay Beach. A formal, comprehensive management program in Ventura County to protect sensitive bird species and provide for maximum access is critical to the balance between access and resource protection. As one of the Ormond Beach land owners, the Conservancy has an interest in promoting protection of two sensitive species onsite and region-wide. The Conservancy brought the participants of the steering committee together to create the program. The Conservancy's participation is crucial to having coordinated management to help protect

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resources and resolve conflict. In addition, while having the authority and expertise to carry out such a program, USFWS lacks the funding to sustain the program on its own and needs the Conservancy's support to implement the project.

6. **Greater-than-local interest:** The 22-mile stretch of shoreline, which is the project area, encompasses most if not all of the existing and potential breeding and foraging habitat for these two species in Ventura County. This area corresponds to designated critical habitat area for the federally-threatened western snowy plover.

Additional Criteria

7. **Urgency:** Once numerous on sandy beaches throughout California, habitat degradation and destruction, human disturbance, and predation comprise the primary threats that have sent the number of western snowy plovers and California least terns plummeting throughout their ranges over the last several decades. Since snowy plovers and least terns forage and nest for significant periods of the year in coastal areas, one of the major causes of decline in Ventura County is the abandonment of nesting sites as a result of prolonged human disturbance from recreational use of beaches. Thus, implementing the public education and management components of this program prior to the next breeding season is key to reducing human disturbance to snowy plovers and least terns by beach visitors.
8. **Resolution of more than one issue:** The program provides for coordinated monitoring, enforcement and management on publicly owned beaches. In concert with the docent program and public outreach, which serve to educate the community and visitors, the program balances enhanced recreational opportunities and enjoyment of coastal resources while protecting sensitive resources. The program will also build partnerships among the agencies and community groups and individuals.
10. **Conflict resolution:** Education and outreach for the public, including local residents and visitors, will serve to resolve the conflict between public access and resource protection.
11. **Innovation:** The proposed project introduces a unique coordinated management and education effort on a region-wide scale that relies on public participation for success.
13. **Realization of prior Conservancy goals:** The proposed project helps the Conservancy to achieve two missions: to maintain maximum public access along the coast; and protect sensitive coastal resources. This project helps to manage resources at one of our own properties, Ormond Beach, while connecting other areas along the coast in Ventura County for a comprehensive, effective management effort. In some cases along the coast, public access has been curtailed or prohibited to protect the resources as a necessary measure. In this case, the education of the public, involvement of the community and proactive management of the resources will encourage stewardship of the resources and contribute to the balance between public use and resource protection and thus, will potentially serve to prevent adverse impacts to access in order to preserve sensitive species in the future.
15. **Cooperation:** Various groups, agencies and individuals will contribute to the project. The steering committee is composed of staff from State Parks, Fish and Game, USFWS and the Conservancy. The Ventura working group will include key resource agencies, public beach owners, and interested individuals and community groups to facilitate coordinated solutions

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to issues. Individual members of the community will serve as volunteers in the docent program.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The subject beaches are located within three different LCP jurisdiction areas, those of the City of Oxnard (McGrath, Mandalay and Ormond Beaches), City of Ventura (San Buenaventura Beach and Surfer's Knoll), and Ventura County (Hollywood Beach).

The proposed project is consistent with the policy goals of the certified Local Coastal Program of the City of Oxnard, including protecting sensitive habitat areas and enhancing coastal access and recreation. Section 30240 of the Coastal Act, which is incorporated in the LCP, protects sensitive habitat areas from disruption of habitat values. The LCP speaks specifically to the protection of the dune areas on McGrath, Mandalay and Ormond Beaches which sustain nesting habitat for endangered least terns. Policy 6b. allows for scientific, educational and light recreational uses in sensitive resource areas, such as the proposed project. Section 30210 of the Coastal Act, which is incorporated in the LCP, mandates maximum access and recreational opportunities consistent with protection of natural areas from overuse. Policy 82 suggests that the dune areas could support an interpretive and educational center for the public addressing dune habitat.

The proposed project is consistent with the policy goals of the certified Local Coastal Program of the City of Ventura, including coastal resource management and enhancing coastal access and recreation. LCP Policy 7.4 provides for a cooperative relationship between the City, the State Department of Parks and Recreation, the State Coastal Conservancy and others to ensure continued public access to the City's beach areas. Policy 7.6 requires that a comprehensive system of parks and public recreation facilities including the beach area is provided for public recreation purposes. Policy 15.10 states that the City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources.

The proposed project is consistent with the policy goals of the certified Local Coastal Program of the County of Ventura, including protecting sensitive habitat areas and enhancing coastal access and recreation. Section 30240 of the Coastal Act, which is incorporated in the LCP, protects sensitive habitat areas from disruption of habitat values. Section 30210 of the Coastal Act, which is incorporated in the LCP, mandates maximum access and recreational opportunities consistent with protection of natural areas from overuse. The LCP Access objective is to maximize public access to the Central Coast sub-area (which includes Hollywood Beach) consistent with natural resources and processes and to maintain existing access. The project is consistent with Recreation and Access Policy B.3., which requires the development of a management plan to control kinds, intensities and locations of recreational uses adjacent to sensitive habitats to preserve the habitat resources to the maximum extent feasible. Recreation and Access Policy B.7. states that the County supports access limitations to certain areas within McGrath State Beach Park as appropriate to maintain ecosystem viability.

The proposed program helps to ensure that continued public access is provided in concert with resource protection. In some cases along the coast, public access has been curtailed or prohibited to protect the resources as a necessary measure. In this case, the education of the public,

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involvement of the community and proactive management of the resources will contribute to the balance between public use and resource protection and thus, will potentially serve to prevent adverse impacts to access in order to preserve sensitive species in the future.

COMPLIANCE WITH CEQA: The proposed authorization is exempt from the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations Sections 15322 (educational programs) and 15304 (minor alterations to land), as the project chiefly involves educational and training programs which do not have the potential for resulting in a physical change to the environment. The temporary fencing to be constructed to facilitate the education and management coordination is a minor alteration to land which will result in improvement wildlife resources at the beach areas, and which has negligible or no permanent effects on the environment. Upon approval staff will file a notice of exemption.